

# SENATE JOURNAL

## OF THE

# IDAHO LEGISLATURE

FIRST REGULAR SESSION  
SIXTIETH LEGISLATURE

EIGHTH LEGISLATIVE DAY  
MONDAY, JANUARY 19, 2009

Senate Chamber

President Little called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senator LeFavour, absent and formally excused by the Chair; and Senator Lodge, absent and excused. (District 11 seat temporarily vacant.)

Prayer was offered by Chaplain Henry Webb.

The Pledge of Allegiance was led by Emily Hunter, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 16, 2009, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

January 19, 2009

The JUDICIARY AND RULES Committee reports that [S 1002](#) has been correctly printed.

DARRINGTON, Chairman

[S 1002](#) was referred to the Resources and Environment Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

### Messages from the Governor

January 16, 2009

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have appointed Melinda Smyser of Parma, Idaho, to the office of State Senator for Legislative District 11. The appointment was effective January 16, 2009.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

### THE OFFICE OF THE GOVERNOR EXECUTIVE DEPARTMENT BOISE, IDAHO CERTIFICATE OF APPOINTMENT

KNOWN ALL MEN, by these Presents, that pursuant to the provisions of Section 59-904A, *Idaho Code*, the District 11 Legislative Committee of the Republican Party has submitted a list of three names for consideration in filling a vacancy in the Idaho State Senate.

NOW, THEREFORE, I, C.L. "Butch" Otter, Governor of the State of Idaho, by virtue of the authority vested in me do hereby appoint Melinda Smyser of Parma, Idaho, to the office of State Senator, District 11, Canyon and Gem County, State of Idaho, for a term commencing on January 16, 2009, and continuing until the next general election when the term of office expires.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Done at Boise, the Capital of Idaho, this Sixteenth day of January, in the year of our Lord two thousand nine and of the Independence of the United States of America, the two hundred thirty-second year.

/s/ BY THE GOVERNOR C.L. "BUTCH" OTTER  
/s/ SECRETARY OF STATE BEN T. YSURA

The correspondence and Certificate of Appointment were ordered filed in the office of the Secretary of the Senate.

The President announced that the Oath of Office had been administered previously to Senator Smyser, and she was recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,  
House Petitions, Resolutions, and Memorials**

Attest: RUSTI HORTON, Assistant Secretary of Senate

**S 1003**

**BY JUDICIARY AND RULES COMMITTEE**

**AN ACT**

RELATING TO SEXUAL CONTACT WITH A PRISONER;  
AMENDING SECTION 18-6110, IDAHO CODE, TO  
PROVIDE CORRECT TERMINOLOGY.

**S 1004**

**BY JUDICIARY AND RULES COMMITTEE**

**AN ACT**

RELATING TO PUNISHMENT FOR MANSLAUGHTER;  
AMENDING SECTION 18-4006, IDAHO CODE, TO MAKE  
TECHNICAL CORRECTIONS; AND AMENDING SECTION  
18-4007, IDAHO CODE, TO REVISE A PROVISION  
RELATING TO THE AMOUNT OF SUPPORT PAID WHEN  
VEHICULAR MANSLAUGHTER RESULTED IN THE  
DEATH OF THE PARENT OR PARENTS OF A CHILD AND  
TO MAKE TECHNICAL CORRECTIONS.

**S 1005**

**BY JUDICIARY AND RULES COMMITTEE**

**AN ACT**

RELATING TO VULNERABLE ADULTS; AMENDING  
SECTION 18-1505B, IDAHO CODE, TO REVISE A  
DEFINITION.

**S 1006**

**BY JUDICIARY AND RULES COMMITTEE**

**AN ACT**

RELATING TO COMPENSATION OF VICTIMS OF CRIMES;  
AMENDING SECTION 19-5307, IDAHO CODE, TO  
PROVIDE A METHOD BY WHICH CERTAIN FINES MAY  
BE COLLECTED.

**S 1007**

**BY JUDICIARY AND RULES COMMITTEE**

**AN ACT**

RELATING TO COMPENSATION OF VICTIMS OF CRIMES;  
AMENDING SECTION 19-4708, IDAHO CODE, TO  
FURTHER DEFINE A TERM; AMENDING SECTION  
19-5305, IDAHO CODE, TO REVISE A PROVISION  
RELATING TO THE COLLECTION OF RESTITUTION;  
AND AMENDING SECTION 20-520, IDAHO CODE, TO  
REVISE A PROVISION RELATING TO THE COLLECTION  
OF RESTITUTION.

[S 1003](#), [S 1004](#), [S 1005](#), [S 1006](#), and [S 1007](#) were introduced,  
read the first time at length, and referred to the Judiciary and  
Rules Committee for printing.

Senator Lodge was recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent,  
the Senate advanced to the Fifteenth Order of Business.

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Kelly, by  
voice vote, the Senate adjourned at 11:40 a.m. until the hour of  
11:30 a.m., Tuesday, January 20, 2009.

BRAD LITTLE, President